

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Burt Hartwick,

Case No. 24-CV-2877 (ECT/DLM)

Petitioner,

v.

**REPORT AND
RECOMMENDATION**

B. Eischens, Warden, FPC Duluth; and
U.S. Bureau of Prisons,

Respondents.

In a letter dated July 23, 2024, the Clerk of Court informed petitioner William Burt Hartwick that he would be required to pay the filing fee for this matter or apply for *in forma pauperis* (“IFP”) status. (See Doc. 3.) Mr. Hartwick was given 15 days to pay the filing fee or submit an IFP application, failing which, he was advised, this action could be dismissed without prejudice.

That deadline has now passed, and Mr. Hartwick has not paid the filing fee or applied for IFP status. Indeed, there has been no correspondence between Mr. Hartwick and the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Mr. Hartwick, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss

an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based on all the files, records, and proceedings in this case, **IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: August 26, 2024

s/Douglas L. Micko

Douglas L. Micko
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served with a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).